



General Assembly

January Session, 2009

Committee Bill No. 141

LCO No. 4364

04364SB00141JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING REVIEW OF GUARDIAN AD LITEM FEES AND EXPENSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-132 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) In any proceeding before a court of probate or the Superior
4 Court including the Family Support Magistrate Division, whether
5 acting upon an appeal from probate or otherwise, the judge or
6 magistrate may appoint a guardian ad litem for any minor or
7 incompetent, undetermined or unborn person, or may appoint one
8 guardian ad litem for two or more of such minors or incompetent,
9 undetermined or unborn persons, if it appears to the judge or
10 magistrate that one or more persons as individuals, or as members of a
11 designated class or otherwise, have or may have an interest in the
12 proceedings, and that one or more of them are minors, incompetent
13 persons or persons undetermined or unborn at the time of the
14 proceeding.

15 (b) The appointment shall not be mandatory, but shall be within the

16 discretion of the judge or magistrate.

17 (c) Any order or decree passed or action taken in any such
18 proceeding shall affect all the minors, incompetent persons or persons
19 thereafter born or determined for whom the guardian ad litem has
20 been appointed, in the same manner as if they had been of the age of
21 majority and competent and present in court after legal notice at the
22 time of the action or the issuance of the order or decree.

23 (d) Any appointment of a guardian ad litem may be made with or
24 without notice and, if it appears to the judge or magistrate that it is for
25 the best interests of a minor having a parent or guardian to have as
26 guardian ad litem some person other than the parent or guardian, the
27 judge or magistrate may appoint a disinterested person to be the
28 guardian ad litem.

29 (e) When the appointment is made in connection with the settlement
30 of a decedent's estate or the settlement of the account of a trustee or
31 other fiduciary, the person so appointed shall be authorized to
32 represent the minor or incompetent, undetermined or unborn person
33 in all proceedings for the settlement of the estate or account and
34 subsequent accounts of the trustee or other fiduciary, or until his or her
35 appointment is terminated by death, resignation or removal.

36 (f) The guardian ad litem may be removed by the judge or
37 magistrate which appointed [him] the guardian ad litem, without
38 notice, whenever it appears to the judge or magistrate to be in the best
39 interests of the ward or wards of the guardian.

40 (g) Any guardian ad litem appointed under the provisions of this
41 section may be allowed reasonable compensation by the judge or
42 magistrate appointing [him] the guardian ad litem and shall be paid as
43 a part of the expenses of administration. Any interested party may file
44 a motion with the judge or magistrate for a review of the compensation
45 allowed by the judge or magistrate under this section. Such motion
46 may include a written request that the motion for review be

47 transferred to the Superior Court for a hearing and determination by a
 48 different judge, in accordance with the rules of the judges of the
 49 superior court. The judge or magistrate shall schedule a hearing on
 50 such motion not later than seven days after the filing of such motion,
 51 or shall transfer such motion to the Superior Court pursuant to such
 52 written request not later than seven days after the filing of such written
 53 request, in which event the Superior Court shall schedule a hearing not
 54 later than seven days after such transfer. The judge or magistrate shall
 55 issue a determination on such motion not later than fourteen days after
 56 the hearing, unless the matter is continued for good cause.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	45a-132
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Statement of Purpose:

To allow an interested party to obtain an independent review of guardian ad litem fees and expenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HANDLEY, 4th Dist.

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